

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALLEN PRESBURY, SR	:	CIVIL ACTION
	:	
v.	:	NO. 22-331
	:	
CORRECT CARE SOLUTION INC.,	:	
SCI-PHX MEDICAL DEPARTMENT	:	

ORDER

AND NOW, this 31st day of May 2022, upon considering Defendant Correct Care Solution Inc.'s Motion to dismiss (ECF Doc. No. 12), Defendant SCI Phoenix Medical Department's Motion to dismiss (ECF Doc. No. 16), Plaintiff's Opposition (ECF Doc. No. 21), following our May 13, 2022 Order granting Plaintiff an extension to respond to both Motions (ECF Doc. No. 20), and for reasons in the accompanying Memorandum, it is **ORDERED**:


1. Correct Care Solution Inc.'s Motion (ECF Doc. No. 12) is **GRANTED** without prejudice to Plaintiff pleading a decision maker or policy maker necessary for his civil rights claims and pleading facts regarding the costs policy by no later than July 1, 2022; and,

2. SCI Phoenix Medical Department's Motion (ECF Doc. No. 16) is **GRANTED**:

a. With prejudice as to claims for money damages from the Commonwealth or its agents acting in an official capacity as they are immune from suit for money damages;

b. Without prejudice to Plaintiff pleading a Commonwealth official and prospective declaratory relief; and,

3. We grant Plaintiff leave to file an amended Complaint consistent with this Order or otherwise stating a claim consistent with the facts by no later than **July 1, 2022**.



KEARNEY, J.